

Submitter: Jen Hamaker
On Behalf Of:
Committee: House Committee On Climate, Energy, and Environment
Measure, Appointment or Topic: SB83

SB 862 is unconstitutional and unlawful. SB 762 needs to be appealed. ONRI support SB 83 because it rights some of the wrongs in SB 762.

This wildfire hazard map is constitutionally deficient as it is arbitrary and capricious. and violates my client's 5th and 14th Amendments to the US Constitution pursuant to Nectow v. City of Cambridge, 277 U.S. 183 (1928).

The designation of "high hazard" for the property is an instance of defamation of title - false statements about a property's title that can harm the owner's ability to sell the property.

The adoption and application of the hazard map is an unadopted land use regulation that was not acknowledged by the Land Conservation and Development Commission and does not meet all of the 19 - statewide planning goals. Specifically , Goal 1, "Citizen involvement," Goal 2, Land Use Planning," and Goal 7, "Areas Subject to Natural Hazards." Citizens involvement requires meaningful public participation at all phases of the planning process. The relevant text of Goal 1 states: "Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities." That did not happen in this case.

There is a flawed methodology inherent in the hazard mapping model for irrigated lands that results in a bias against farming practice of utilizing circle irrigation. This mapping flaw is like that noted in the Technical Guide regarding irrigation mapping methodology of orchards in Hood River and Baker Counties where orchards resulted in values of non-irrigated "holes" which needed to be corrected. Similarly to the mapping of orchards, the mapping of irrigated areas in Deschutes County of circle irrigated crops, vs mapping of wheel or flood irrigated crops, leads to non-irrigated "holes" for circle irrigated crops. Like with the issues of the orchards where the areas between the trees that needed to be corrected, there are areas between the circle irrigation that are not irrigated and are observed as "holes" suggesting portions of the area are not irrigated, but these are areas should be considered as "irrigated" as there are no possibility of those areas among circle irrigated lands as a fire hazard.

ONRI supports SB 83.

Sincerely,
Jen Hamaker
President
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